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Pg 11/39 10/25/07 2:54 pm

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**OCT 25 2007**

**PATENT**

**APPLICATION 10/626,443**

**ATTORNEY DOCKET 2002P12271US01 (1009-285)**

**REMARKS**

Applicant respectfully thanks the Examiner for the consideration provided to this application, and respectfully requests reconsideration of this application.

Each of claims 1, 5-7, 11-19, 21-24, 28, and 43-45 has been amended for at least one reason unrelated to patentability, including at least one of: to explicitly present one or more elements, limitations, phrases, terms and/or words implicit in the claim as originally written when viewed in light of the specification, thereby not narrowing the scope of the claim; to detect infringement more easily; to enlarge the scope of infringement; to cover different kinds of infringement (direct, indirect, contributory, induced, and/or importation, etc.); to expedite the issuance of a claim of particular current licensing interest; to target the claim to a party currently interested in licensing certain embodiments; to enlarge the royalty base of the claim; to cover a particular product or person in the marketplace; and/or to target the claim to a particular industry.

Claims 1-45 are now pending in this application. Each of claims 1 and 43-45 is in independent form.

**I. The Objection to the Specification**

The specification was objected to, at Page 2 of the Office Action, because:

Claims 1, 43, 44, 45 state the existence of 'expert knowledge.' The specification is silent in describing what kind of 'expert knowledge' is employed within the specification. There are numerous methods which this can be but the specification describes none.

Applicant respectfully traverses this objection. As an initial matter, no legal basis is provided for the objection. In addition, the specification, as originally submitted implicitly provides a description of what is meant by "expert knowledge" at least at paragraphs 8, 15, 22, 23, 24, and 51. For at least these reasons, reconsideration and withdrawal of the objection to the specification is respectfully requested.

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## **II. The Statutory Subject Matter Rejections**

Each of claims 1-45 was rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully traversed as moot in view of the present amendments to each of independent claims 1 and 43-45.

Specifically, claim 1, from which each of claims 2-42 ultimately depends, states, *inter alia*, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process", which is a practical application.

Claim 43 states, *inter alia*, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process", which is a practical application.

Claim 44 states, *inter alia*, "expressing the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the second transformed version to control information transfers in the fast food restaurant", which is a practical application.

Claim 45 states, *inter alia*, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process", which is a practical application.

For at least these reasons, reconsideration and withdrawal of these rejections is respectfully requested.

## **III. The Anticipation Rejections**

Each of claims 1-8, 12, 14-15, 18-20, 23-27, 43-45 was rejected as anticipated under 35 U.S.C. 102(b). In support of the rejection, various portions of U.S. Patent 6996589 ("Jayaram") were applied. These rejections are respectfully traversed as moot in view of the present

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amendments to each of independent claims 1 and 43-45 as well as amendments to each of claims 5-7.

**1. Claims 1, and 43-45**

Specifically, claim 1, from which each of claims 2-42 ultimately depends, states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process”.

Claim 43 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process”.

Claim 44 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “expressing the first transformed version and the second transformed version in a fast food restaurant information management destination system, the fast food restaurant information management system configured by the second transformed version to control information transfers in the fast food restaurant”.

Claim 45 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “expressing the first transformed version and the second transformed version in a destination biopharmaceutical process control system, the biopharmaceutical process control system configured by the second transformed version to control a biopharmaceutical process”.

For at least this reason, it is respectfully submitted that the rejection of claims 1 and 43-45 is unsupported by Jayaram and should be withdrawn. Also, the rejection of claims 2-8, 12, 14-15, 18-20, and 23-27, each ultimately depending from independent claim 1, is unsupported by Jayaram and also should be withdrawn.

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**2. Claim 5**

Claim 5 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “importing the first transformed version into the destination system, the first transformed version obtained from a Bailey INFI-90 configuration database”.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 5.

**3. Claim 6**

Claim 6 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “importing the second transformed version into the destination system, the second transformed version comprising configuration elements associated with a WinCC operator console”.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 6.

**4. Claim 7**

Claim 7 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, “parsing the information, the information obtained from an APACS control system configuration database”.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 7.

**IV. The Obviousness Rejections**

Each of claims 9-11, 13, 16-17, 21-39, and 40-42 was rejected under 35 U.S.C. 103(a) as being unpatentable over various combinations of U.S. Patent 20010056429 (“Moore”), U.S. Patent 6996589 (“Jayaram”), U.S. Patent 20020026633 (“Koizumi”), U.S. Patent 20020077711 (“Nixon”), and/or U.S. Patent 20020055804 (“Betawar”). Each of these rejections is respectfully traversed.

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**A. Legal Standards**

**1. *Prima Facie* Criteria for an Obviousness Rejection**

Over 40 years ago, in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), the Supreme Court established factors regarding the factual inquiry required to establish obviousness. The factors include:

1. determining the scope and contents of the prior art;
2. ascertaining differences between the prior art and the claims at issue;
3. resolving the level of ordinary skill in the pertinent art; and
4. considering objective evidence indicating obviousness or nonobviousness.

The Federal Circuit has applied *Graham*'s required factual inquiry in numerous legal precedents that are binding on the USPTO.

It is recognized that most patentable inventions arise from a combination of old elements and often, each element is found in the prior art. *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998). The United States Supreme Court clarified the obviousness inquiry criteria in *KSR International Co. v. Teleflex Inc.*, 2007 U.S. LEXIS 4745 (2007). The KSR Court held:

1. “[t]he question is not whether the combination was obvious to the patentee but whether the combination was obvious to a person with ordinary skill in the art”;
2. “a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art”;
3. it is necessary “to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit”; and
4. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” (*quoting In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006)).

In order to establish a *prima facie* case of obviousness, certain criteria must be met. Evidence must be provided that indicates that the combination was obvious to a person with ordinary skill in the art. *KSR International Co. v. Teleflex Inc.*, 2007 U.S. LEXIS 4745 (2007);

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*In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). The evidence must include an apparent reason, with a rational underpinning, to combine the known elements in the fashion claimed in the patent at issue. *KSR International Co. v. Teleflex Inc.*, 2007 U.S. LEXIS 4745 (2007). There must be a reasonable expectation of success. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2143. In addition, the prior art reference (or references when combined) must teach... all the claim limitations. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991); MPEP 2143.

Moreover, the "Patent Office has the initial duty of supplying the factual basis for its rejection." *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (CCPA 1967), cert. denied, 389 U.S. 1057, *reh'g denied*, 390 U.S. 1000 (1968). "It may not... resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis". *Id.*

It is legal error to "substitute[] supposed *per se* rules for the particularized inquiry required by section 103. It necessarily produces erroneous results." *See, In re Ochiai*, 71 F.3d 1565, 1571, 37 USPQ2d 1127, 1132-33 (Fed. Cir. 1998); *In re Wright*, 343 F.2d 761, 769-770, 145 USPQ 182, 190 (CCPA 1965).

"Once the examiner... carries the burden of making out a *prima facie* case of unpatentability, 'the burden of coming forward with evidence or argument shifts to the applicant.'" *In re Alton*, 76 F.3d 1168, 37 USPQ2d 1578 (Fed. Cir. 1996) (*quoting In re Oetiker*, 977 F.2d at 1445, 24 USPQ2d at 1444).

## **2. All Words in a Claim Must Be Considered**

"To establish *prima facie* obviousness..., '[a]ll words in a claim must be considered'". MPEP 2143.03, *quoting In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); *see also, In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974); *In re Wilder*, 429 F.2d 447, 166 USPQ 545, 548 (CCPA 1970); *In re Angstadt*, 537 F.2d 498, 190 USPQ 214, 217 (CCPA 1976); *In re Geerdes*, 491 F.2d 1260, 180 USPQ 789, 791 (CCPA 1974).

## **3. Unfounded Assertions of Knowledge**

A bald assertion of knowledge generally available to one of ordinary skill in the art to bridge the evidentiary gap is improper. Such unfounded assertions are not permissible

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substitutes for evidence. *See, In re Lee*, 277 F.3d 1338, 1435, 61 USPQ2d 1430, 1435 (Fed. Cir. 2002). That is, deficiencies of the cited references can not be remedied by general conclusions about what is basic knowledge or common sense to one of ordinary skill in the art. *In re Zurko*, 258 F.3d 1379, 1385-86 (Fed. Cir. 2001).

#### **4. Lack of Evidence of Reasons for Combining References**

Under the *Graham* analysis, the “examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” MPEP 2142. The requirements for meeting this burden are clear.

To factually support a *prima facie* conclusion of obviousness, an Office Action must provide evidence that indicates that the combination was obvious to a person with ordinary skill in the art. The evidence must include an apparent reason, with a rational underpinning, to combine the known elements in the fashion claimed in the patent at issue. “rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness” *KSR International Co. v. Teleflex Inc.*, 2007 U.S. LEXIS 4745 (2007) (*quoting In re Kahn*, 441 F. 3d 977, 988 (Fed. Cir. 2006).

#### **5. Next Office Action**

If an Office Action fails to set forth sufficient facts to provide a *prima facie* basis for the rejections, any future rejection based on the applied reference will necessarily be factually based on an entirely different portion of that reference, and thus will be legally defined as a “new grounds of rejection.” Consequently, any Office Action containing such rejection can not properly be made final. *See, In re Wiechert*, 152 USPQ 247, 251-52 (CCPA 1967) (defining “new ground of rejection” and requiring that “when a rejection is factually based on an entirely different portion of an existing reference the appellant should be afforded an opportunity to make a showing of unobviousness vis-a-vis such portion of the reference”), and *In re Warner*, 379 F.2d 1011, 154 USPQ 173, 178 (CCPA 1967) (the USPTO “has the initial duty of supplying the factual basis for its rejection”).

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**B. Analysis**

**1. Claims 9-11, 13, 16-17, 21-39, and 40-42**

None of the applied portions of the references relied upon in the Office Action, whether considered alone or in combination, establishes a *prima facie* case of obviousness.

As an initial matter, the rejections of each of claims 9-11, 13, 16-17, 21-39, and 40-42 are traversed as moot in view of at least the present amendments to claim 1. As stated above, claim 1, from which each of claims 9-11, 13, 16-17, 21-39, and 40-42 ultimately depends, states, *inter alia*, yet no substantial evidence has been presented that the applied portions of Jayaram teach, "expressing the first transformed version and the second transformed version in a destination biopharmaceutical batch process control system, the biopharmaceutical batch process control system configured by the second transformed version to control a biopharmaceutical batch process". The remaining applied portions of the relied-upon references do not overcome at least these deficiencies of Jayaram.

Thus, even if there were proper evidence of obviousness presented in the Office Action (an assumption that is respectfully traversed), and even if there were a reasonable expectation of success in combining or modifying the applied portions of the references relied upon in the Office Action (another assumption that is respectfully traversed), no substantial evidence has been presented the applied portions of the references relied upon in the Office Action, as attempted to be modified and/or combined, expressly or inherently teach every limitation of the independent claims, and consequently the Office Action fails to establish a *prima facie* case of obviousness. Consequently, for at least the reasons mentioned above, reconsideration and withdrawal of these rejections is respectfully requested.

In addition, Applicant respectfully notes that the present Office Action fails to evidence the scope and contents of the prior art as required under *Graham*. The present Office Action fails to even identify what "the pertinent art" is. Moreover, the present Office Action fails to evidence the level of ordinary skill in the pertinent art.

Applicant respectfully traverses the failure of the present Office Action to comply with the requirements of *Graham* and thereby, to provide a *prima facie* rejection under 35 U.S.C. 103.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal of each rejection of each of claims 9-11, 13, 16-17, 21-39, and 40-42.

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**2. Claim 9**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 9, in such a manner so as to arrive at the claimed subject matter of claim 9. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 14:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by introducing XSLT as taught by Moore to apply XSLT transforms to the information. For the purpose of using standard information technologies such as XSLT.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 9.

**3. Claim 10**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 10, in such a manner so as to arrive at the claimed subject matter of claim 10. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 14:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by applying

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XSLT to DHTML as taught by Moore to apply XSLT transforms to the information and generating DHTML. For the purpose of generating a interface.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 10.

#### 4. Claim 11

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 11, in such a manner so as to arrive at the claimed subject matter of claim 11. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 15:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using DHTML abilities as taught by Moore to generate DHTML encoding a plurality of options for translating an element of the information. For the purpose of having a dynamic interface.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

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For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 11.

**5. Claim 13**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 13, in such a manner so as to arrive at the claimed subject matter of claim 13. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Pages 15-16:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by resulting in DHTML logic as taught by Moore to interpret a plurality of options for translating an element of the information using DHTML logic. For the purpose of using industrial standard code thus reducing interaction errors.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 13.

**6. Claim 16**

Claim 16 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information". The present Office Action states, at Page 17, "Koizumi teaches presenting to each of a plurality of users." Yet no substantial evidence is of record that the applied portions of the relied-upon references

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teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information".

In addition, the present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Koizumi, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 16, in such a manner so as to arrive at the claimed subject matter of claim 16. Regarding the proffered combination of Jayaram and Koizumi the present Office Action asserts, at Page 17:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having multiple users as taught by Koizumi to present to each of a plurality of users. For the purpose of having more than one person to use the software.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 16.

## 7. Claim 17

Claim 17 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in translation of an element of the information, the plurality of options and the information element differing for each of the plurality of users". The present Office Action states, at Page 17, "Koizumi teaches presenting to each of a plurality of users." Yet no substantial evidence is of record that the applied portions of the relied-upon references teach, "presenting to each of a plurality of users, a plurality of options adapted for use in

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translation of an element of the information, the plurality of options and the information element differing for each of the plurality of users".

In addition, the present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Koizumi, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 17, in such a manner so as to arrive at the claimed subject matter of claim 17. Regarding the proffered combination of Jayaram and Koizumi the present Office Action asserts, at Pages 17-18:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having more than one user as taught by Koizumi to present to each of a plurality of users. For the purpose of having more than one person to use the software.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* 'rejections on obviousness grounds cannot be sustained by mere conclusory statements'.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 17.

#### 8. Claim 21

Claim 21 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information". The present Office Action states, at Page 20, "Nixon teaches receiving input from each of a plurality of users regarding each user's preference for translating an element of the information. (Nixon, ¶ 0048; 'Plurality of users' of Nixon is equivalent to 'one or more users' of Nixon.)"

Yet paragraph 0048 of Nixon states (emphasis added):

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Also, generally speaking, one or more user interface routines 58 can be stored in and executed by one or more of the computers within the plant 10. For example, the computer 30, the user interface 14A, the business system computer 35 or any other computer may run a user interface routine 58. Each user interface routine 58 can receive or subscribe to information from the asset utilization suite 50 and may provide information to the asset utilization suite 50 and either the same or different sets of data may be sent to each of the user interface routines 58.

Anyone of the user interface routines 58 can provide different types of information using different screens for different users if so desired. For example, one of the user interface routines 58 may provide a screen or set of screens to a control operator or to a business person to enable that person to set constraints or to choose optimization variables for use in a standard control routine or in a control optimizer routine. The user interface routine 58 may provide a control guidance tool that enables a user to view the process performance and indexes created by the index generation software 51 or process performance models 56 in some coordinated manner. This operator guidance tool may also enable the operator or any other person to obtain information about the states of devices, control loops, units, etc. and to easily see the information related to the problems with these entities, as that information has been detected by other software within the process plant 10. The user interface routine 58 may also provide performance monitoring screens using performance monitoring data provided by or generated by the tools 23 and 27, the maintenance programs such as the AMS application or any other maintenance programs, or as generated by the models in conjunction with the asset utilization suite 50. Of course, the user interface routine 58 may provide any user access to and enable the user to change preferences or other variables used in any or all functional areas of the plant 10.

Thus, the applied portions of Nixon teach "one or more User interfaces that "may provide any user access to and enable the user to change preferences or other variables used in any or all functional areas of the plant 10". No substantial evidence is of record that the

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applied portions of the relied-upon references teach, "receiving input from each of a plurality of users regarding each user's preference adapted for use in translation of an element of the information".

In addition, the present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 21, in such a manner so as to arrive at the claimed subject matter of claim 21. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 20:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by being to input information from a plurality of users as taught by Nixon to receive input from each of a plurality of users regarding each user's preference for translating an element of the information. For the purpose of the invention being flexible with multiple user's inputs.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 21.

#### 9. Claim 22

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram, Koizumi, and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 22, in

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such a manner so as to arrive at the claimed subject matter of claim 22. Regarding the proffered combination of Jayaram, Koizumi, and Betawar the present Office Action asserts, at Page 27:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having multiple users in which one user can override another input as taught by Koizumi and Betawar to receiving input from each of a plurality of users regarding each user's preference for translating an element of the information, a first user's preference overriding a second user's preference. For the purpose of having more than one person being able to override a preference.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 22.

#### **10. Claim 28**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 28, in such a manner so as to arrive at the claimed subject matter of claim 28. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 20-21:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by providing output as taught by Nixon to have a view of the destination system. For the purpose of see the interface of the system.

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Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 28.

#### **11. Claim 29**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 29, in such a manner so as to arrive at the claimed subject matter of claim 29. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 21:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by providing multiple views as taught by Nixon to have a plurality of differing views of the destination system, each of the plurality of differing views corresponding to a different use for the destination system. For the purpose of each user having their own view if required.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 29.

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**12. Claim 30**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 30, in such a manner so as to arrive at the claimed subject matter of claim 30. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 22:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using GUI interface as taught by Nixon to have in the graphical user interface the information and the second transformed version. For the purpose of ease of use for the user.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 30.

**13. Claim 31**

Claim 31 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "presenting in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version". The present Office Action states, at Page 22:

Nixon teaches presenting in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second

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transformed version. (Nixon, ¶ 0048; ‘Second transformed version’ of applicant can be seen as the ‘different types of information’ of a user.).

Yet, given that claim 1 states, *inter alia*, “transforming the information using user input to obtain a second transformed version of the information”, the statement of the present Office Action that “‘Second transformed version’ of applicant can be seen as the ‘different types of information’ of a user” appears to be factually incorrect. No substantial evidence is of record that the applied portions of the relied-upon references teach, “presenting in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version”.

In addition, the present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 31, in such a manner so as to arrive at the claimed subject matter of claim 31. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 22:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant’s invention to modify the teachings of Jayaram by being able to alter the interface as taught by Nixon to present in the graphical user interface the information and the second transformed version, a change in the user input reflected in the second transformed version. For the purpose of altering the interface if needed or required by the user.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a “rational underpinning, to combine the known elements in the fashion claimed in the patent at issue”. Moreover, no evidence is presented that this unsupported assertion was “known in the prior art”, as required by *KSR*. Applicant reiterates that under *KSR* ‘rejections on obviousness grounds cannot be sustained by mere conclusory statements’.

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 31.

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**14. Claim 32**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 32, in such a manner so as to arrive at the claimed subject matter of claim 32. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 23:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by altering an existing interface as taught by Nixon to have the second transformed version is based on the first transformed version. For the purpose of updating an interface for greater or lesser content.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 32.

**15. Claim 33**

Claim 33 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "wherein the second transformed version is not based on the first transformed version". The present Office Action states, at Page 23:

Nixon teaches wherein the second transformed version is not based on the first transformed version. (Nixon, ¶ 0048; 'Not based on the first transform' of applicant is equivalent to 'different sets' of Nixon.)

Yet, given that claim 1 states, *inter alia*, "transforming the information using user input to obtain a second transformed version of the information", the statement of the present Office

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Action that Nixon teaches the claimed subject matter of claim 33 regarding the claimed "second transformed version" appears to be factually incorrect. No substantial evidence is of record that the applied portions of the relied-upon references teach, "wherein the second transformed version is not based on the first transformed version".

In addition, the present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 33, in such a manner so as to arrive at the claimed subject matter of claim 33. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 23-24:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by generating a new interface as taught by Nixon to have the second transformed version is not based on the first transformed version. For the purpose of looking at a completely different interface if needed.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 33.

#### **16. Claim 34**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Koizumi, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 34, in such a

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manner so as to arrive at the claimed subject matter of claim 34. Regarding the proffered combination of Jayaram and Koizumi the present Office Action asserts, at Page 19:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using rules based on knowledge elements as taught by Koizumi to a pattern matching rule from the first plurality of pattern matching rules is based on a plurality of knowledge elements and at least one known relationship between the plurality of knowledge elements, each of the plurality of knowledge elements identifiable as an entity in the information. For the purpose of using rules that follow elements and there relationship between them.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 34.

#### **17. Claim 35**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Moore, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 35, in such a manner so as to arrive at the claimed subject matter of claim 35. Regarding the proffered combination of Jayaram and Moore the present Office Action asserts, at Page 16:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using XSLT as taught by Moore to have wherein XSLT is employed to translate the

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information. For the purpose of using standard information technologies such as XSLT.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 35.

**18. Claim 36**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 36, in such a manner so as to arrive at the claimed subject matter of claim 36. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Page 24:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having information in a set as taught by Nixon to have at least one of the first plurality of patterns is a set. For the purpose of easing the search of information.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 36.

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**19. Claim 37**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 37, in such a manner so as to arrive at the claimed subject matter of claim 37. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 24-25:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having a hierarchy structure in patterns as taught by Nixon to have wherein at least one of the first plurality of patterns is a hierarchy. For the purpose of looking at patterns related in a processing structure.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 37.

**20. Claim 38**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 38, in such a manner so as to arrive at the claimed subject matter of claim 38. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 25:

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[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by using naming conventions as taught by Nixon to have at least one of the first plurality of patterns is a naming convention. For the purpose of ease of search based on the name of patterns.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 38.

## 21. Claim 39

Claim 39 states, *inter alia*, yet no substantial evidence has been presented that the applied portions of the relied-upon references teach, "wherein the user input is derived from input from a first user and input from a second user". The present Office Action states, at Page 25, "Nixon teaches wherein the user input is derived from input from a first user and input from a second user. (Nixon, ¶ 0048; Nixon discloses that one or more users can subscribe to the same or different sets of data.)".

Yet, paragraph 0048 is cited, *supra*. Given that claim 1 requires that the "user input" used in "transforming the information" "to obtain a second transformed version of the information", the statement of the present Office Action that Nixon teaches the claimed subject matter of claim 39 regarding the claimed "user input" appears to be factually incorrect. No substantial evidence is of record that the applied portions of the relied-upon references teach, "wherein the user input is derived from input from a first user and input from a second user".

In addition, the present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Nixon, no evidence is provided whatsoever regarding why one having ordinary skill in the art would

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combine the applied portions of the relied-upon references, that are used in rejecting claim 39, in such a manner so as to arrive at the claimed subject matter of claim 39. Regarding the proffered combination of Jayaram and Nixon the present Office Action asserts, at Pages 25-26:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having multiple users work on each other's input as taught by Nixon to have wherein the user input is derived from input from a first user and input from a second user.

For the purpose of being to modify each other work for improved results.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 39.

## 22. Claim 40

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 40, in such a manner so as to arrive at the claimed subject matter of claim 40. Regarding the proffered combination of Jayaram and Betawar the present Office Action asserts, at Pages 28-29:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by users having different authority positions as taught by Betawar to wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a value chain than the second user. For the purpose of having the role of supervisor incorporated within the specification.

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Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 40.

**23. Claim 41**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 41, in such a manner so as to arrive at the claimed subject matter of claim 41. Regarding the proffered combination of Jayaram and Betawar the present Office Action asserts, at Page 29:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having users at different authority levels as taught by Betawar to have wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a business process than the second user. For the purpose of having the role of supervisor incorporated in a business setting within the specification.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

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For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 41.

**24. Claim 42**

The present Office Action fails to provide evidence of obviousness as required under *KSR*. For example, regarding the proffered combinations of Jayaram and Betawar, no evidence is provided whatsoever regarding why one having ordinary skill in the art would combine the applied portions of the relied-upon references, that are used in rejecting claim 42, in such a manner so as to arrive at the claimed subject matter of claim 42. Regarding the proffered combination of Jayaram and Betawar the present Office Action asserts, at Pages 29-30:

[i]t would have been obvious to a person having ordinary skill in the art at the time of applicant's invention to modify the teachings of Jayaram by having users at different authority levels as taught by Betawar to have wherein the user input is derived from input from a first user and input from a second user, the first user occupying a different position in a business process than the second user. For the purpose of having the role of supervisor incorporated in a business setting within the specification.

Applicant respectfully submits that this unsupported assertion provides no evidence of, from the perspective of one of ordinary skill in the art, a "rational underpinning, to combine the known elements in the fashion claimed in the patent at issue". Moreover, no evidence is presented that this unsupported assertion was "known in the prior art", as required by *KSR*. Applicant reiterates that under *KSR* "rejections on obviousness grounds cannot be sustained by mere conclusory statements".

For at least these reasons, Applicant respectfully requests a reconsideration and withdrawal the rejection of claim 42.

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**CONCLUSION**

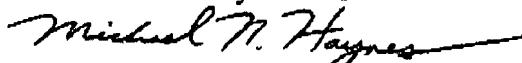
It is respectfully submitted that the application is in clear condition for allowance.

Reconsideration, withdrawal of all grounds of rejection, and issuance of a Notice of Allowance are earnestly solicited.

The Office is hereby authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account 50-2504. The Examiner is invited to contact the undersigned at 434-972-9988 to discuss any matter regarding this application.

Respectfully submitted,

Michael Haynes PLC



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Date: 25 October 2007

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